

LAW OFFICE OF JENNIFER E. TUCEK, PC
315 Madison Avenue, Suite 3054
New York, N.Y. 10017
(917) 669-6991
TucekLaw@Gmail.com

July 14, 2021

VIA ECF

Judge Gary R. Brown
United States District Court Eastern District
100 Federal Plaza
Central Islip, New York 11722

Re: *Monge v. 405 Hotel, LLC, et al.*
Case No. 19-cv-0451 (GRB)

Dear Judge Brown:

Javier Monge (“Plaintiff”), by his undersigned counsel, hereby files this letter in response to this Court’s July 7, 2021 Order to Show Cause directing Plaintiff to set forth his concrete, particularized injury in fact to assist the Court in determining whether standing exists in this case.

The issue of standing, and whether Plaintiff has suffered a concrete, particularized injury in fact, has already been addressed by the Court in the context of Defendant’s Motion to Dismiss. Plaintiff requests that the Court review the Report and Recommendation of Magistrate Judge Lindsay dated February 24, 2021, accepted in its entirety by Judge Feuerstein on March 15, 2021. [Docket Nos. 46, 47]. The Report discusses at great length whether Plaintiff’s alleged injuries were concrete and particular to the Plaintiff and whether they were alleged with sufficient specificity. [Docket No. 46 at p. 9 -13]. The Report includes the below portions of the Plaintiff’s sworn Affidavit in its analysis:

- In the winter of 2018, my girlfriend and I began looking at hotels on the beach and other areas to plan a vacation over the spring and summer. I have always liked Long Beach since it has a fully accessible boardwalk, enabling me to take long "walks on the beach" so to speak. The other hotels in Long Beach are very expensive. We also looked at some hotels in Montauk, which I also like for a longer trip. My girlfriend was very interested in some other historic inns in Long Island that looked very romantic and nice for a long weekend; Monge Aff. ¶ 2
- The Long Beach Hotel is a perfect choice because it is not too expensive, is close to the boardwalk, and is close to lots of restaurants. Unfortunately, the website did not (and still does not) allow me to reserve an accessible room in the same manner as those seeking a regular room. It also did not (but now does to some extent) provide information regarding accessible and inaccessible features of the Hotel. Also, although the Hotel is listed on all the third-party sites, such as Hotels.com, no information whatsoever is provided regarding accessibility on those websites. I often like to look on those sites because you can get special deals. Monge Aff. ¶ 3
- I would like to stay at the Long Beach Hotel and return every summer - my summer beach getaway, as I am fond of the area and it is not too far away or expensive. I have been searching for a place to stay regularly that provides the accessibility that I need. Monge Aff. ¶ 5

The court concluded that in light of the Amended Complaint and Plaintiff's Affidavit, Plaintiff has standing to pursue his ADA Claim. The sworn Affidavit of Javier Monge is attached hereto as Exhibit A. This Affidavit was filed with Plaintiff's Amended Complaint [Docket No. 48].

In light of the above, the Plaintiff respectfully requests that this case proceed. Thank you.

/s/ Jennifer E. Tucek

Jennifer E. Tucek

Bar No. JT2609

/s/ Jennifer E. Tucek

Jennifer E. Tucek
Bar No. JT2609

